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Attorney for Plaintiff
MITCHELL EGGERS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MITCHELL EGGERS, an individual
Plaintiff,

v.

CAMPAGNOLO NORTH AMERICA,
INC., a corporation, B&L BIKE AND
SPORTS, INC., a corporation, and
DOES 1 through 10, Inclusive,
Defendants.

CASE NO. 08 CV 0198 JM LSP

Judge: Hon. Jeffrey T. Miller

CR: 6

Complaint filed: February 1, 2008

Magistrate Judge Leo S. Papas

JOINT RULE 26(f) REPORT

TO THE HONORABLE COURT:

Pursuant to Federal Rule of Civil Procedure 26(f), Plaintiff, MITCHELL EGGERS and Defendants, CAMPAGNOLO NORTH AMERICA, INC. and B&L BIKE AND SPORTS, INC., by and through their respective attorneys of record held a conference on May 2, 2008. The Plaintiff and Defendants hereby submit the following Rule 26 Joint Report:

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1 **SHORT STATEMENT OF THE CLAIMS, COUNTERCLAIMS, AND**
2 **AFFIRMATIVE DEFENSES**

3 Plaintiff has asserted claims for negligent strict products liability, strict
4 products liability, breach of express and implied warranty against the Defendants
5 for the defective design and manufacture of Plaintiff's Serotta Ottrott road racing
6 bike and its component parts, and false representation and failure to warn of the
7 dangers involved in the use of the Serotta Ottrott road racing bike and its
8 component parts, claiming that the right pedal axle broke loose and caused Plaintiff
9 to fall to the pavement, and to suffer serious and permanent injuries
10

11 Defendant's defenses: Though discovery and investigation are preliminary,
12 it is not clear to defendants that the right pedal axle was actually sheared off as
13 claimed, or that the accident occurred in the manner alleged.
14

15 **A DISCUSSION OF THE LIKELIHOOD OF MOTIONS SEEKING**
16 **TO ADD OTHER PARTIES OR CLAIMS, FILE AMENDED**
17 **PLEADINGS, OR TRANSFER VENUE**

18 The parties do not anticipate adding other parties, claims, filing amended
19 pleadings or transferring venue. All parties reserve the right to add parties, claims
20 or amend pleadings in the event it becomes necessary to do so.
21

22 **A DISCUSSION OF DISCOVERY AND EXPERTS PURSUANT TO**
23 **RULE 26(f)**

24
25 The parties discussed the topics on which discovery may be needed and did
26 not note any significant stumbling blocks at this time. The parties agreed that they
27 need to complete an inspection of the bike and its component parts and depending
28 upon the inspection, the parties may need to conduct further factory discovery.

1 As for experts, Plaintiff has currently retained Gary Fowler who specializes
2 in metallurgical analysis, failure analysis and experimental testing. Plaintiff also
3 anticipates retaining a design engineer. Further expert testimony is likely to be
4 required as well.

5
6 Defendant's experts: Neither Defendant Campagnolo nor defendant B&L
7 Bike and Sports have retained experts, though both defendants anticipate retaining
8 design engineers and metallurgists in the near future.
9

10
11 **A DESCRIPTION OF ANY ISSUES WHICH MAY BE RESOLVED**
12 **BY MOTIONS FOR SUMMARY JUDGMENT**

13
14 The parties agree that it is too early at this time to identify any issues which
15 may be resolved by Motions for Summary Judgment.

16
17 **A BRIEF DESCRIPTION OF SETTLEMENT DISCUSSIONS TO**
18 **DATE**

19 The parties agree that it is too early at this time for settlement discussions.

20
21 **A REALISTIC TIME ESTIMATE REQUIRED FOR TRIAL AND**
22 **WHETHER IT WILL BE BY JURY OR COURT**

23 The parties estimate that a two week trial by a jury will be required.

24
25 **PROPOSED DATES FOR:**

26 Discovery cut-off is 90 days before final status conference;
27 General Motion cut-off is 60 days before final status conference;
28 Expert discovery cut-off is 30 days before final status conference;

1 Expert Motion cut-off is 15 days before final status conference;

2 Final pre-trial status conference is April 20, 2009;

3 Jury trial is May 4, 2009

4
5 Respectfully submitted,

6 PANISH, SHEA & BOYLE, LLP

7
8
9 BY 

10 BRIAN J. PANISH

11 KEVIN R. BOYLE

12 Attorneys for Plaintiff

13 MITCHELL EGGERS

14 SHIFFLET, KANE & KONOSKE, LLP

15
16 BY  *by [Signature] w/ permission*

17 GREGORY P. KONOSKE

18 Attorney for Defendant

19 B&L BIKE AND SPORTS, INC.

20 MURCHISON & CUMMING, LLP

21
22 BY  *by [Signature] w/ permission*

23 HEATHER MILLS

24 Attorney for Defendant

25 Campagnolo North America, Inc.

CERTIFICATE OF SERVICE

FRCivP 5(b)

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of Los Angeles, State of California, and not a party to the above-entitled cause. My business address is 11111 Santa Monica Boulevard, Suite 700, Los Angeles, CA 90012.

On May 19, 2008, I served a true copy JOINT RULE 26(F) REPORT by delivering it to the person(s) indicated in the Service List in the manner as provided in FRCivP 5(b):

☒ by submitting an electronic version of the above document via file transfer protocol to ECF (Electronic Case Filing)

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth on the attached service list.

☐ by placing the document(s) listed above in a sealed envelope or box with overnight delivery fees paid, via FEDERAL EXPRESS overnight delivery service at Los Angeles, California, addressed as set forth on the attached service list.

☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth on the attached service list.


☐ I hereby certify that I am a member of the Bar of the United States District Court, Central District of California.

☒ I am readily familiar with the firm's practice for collection and processing of correspondence for mailing and that all correspondence will be deposited with the U.S. Postal Service the same day during the ordinary course of business.

☒ I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

☒ I hereby certify under the penalty of perjury that the foregoing is true and correct.

Executed May 19, 2008, at Los Angeles, California.



Chehreh Golzar

EGGERS V. CAMPAGNOLO

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